APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,663	01/23/2006	Franciscus L. A. J. Kamperman	NL 030926	2420

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER
KEEHN, RICHARD G

ART UNIT	PAPER NUMBER
2456	

MAIL DATE	DELIVERY MODE
11/02/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/565,663	KAMPERMAN ET AL.
	Examiner	Art Unit
	RICHARD G. KEEHN	2456

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>27 October 2010</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): <u>the rejection of Claim 23 under 35 U.S.C. 101.</u>

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>*1,3,4,6-12,14,15 and 17-23*</u>.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
   <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

/Rupal D. Dharia/
Supervisory Patent Examiner, Art Unit 2400

/R. G. K./
Examiner, Art Unit 2456

Continuation of 11: Applicant has filed after-final amendments with arguments that overcome the 35 U.S.C. 101 rejection of Claim 23, but fail to overcome any of the prior-art rejections under 35 U.S.C. 103(a). Applicant argues that Nakahara is directed exclusively to device based domains and not to hybrid user/device domains. Examiner must examine what is in the claims, in light of the specification, but must not read limitations from the specification into the claims. The claims make no mention, either expressly or implied, of a hybrid user/device based domain. The claims recite, inter alia, "binding at least one user (P1, P2, ..., PN1) to the domain identifier". Binding to the domain identifier does not make a hybrid user/device domain, but merely associates a user to a domain, just as Nakahara does. There are countless places in Nakahara, in addition to those passages cited in the previous Office action where a user is bound to a domain, for instance ¶ [0198].

Applicant argues that Nakahara does not disclose users as identifiers included in data structures, represented as elements of the domain structure. But this is not claimed. Applicant's claims recite binding at least one user, not that a user is an identifier, nor that a user is an element of the domain structure. Therefore, Applicant argues that which has not been claimed. Applicants remaining arguments, based on the assertions on page 11, are not persuasive for the same reasons.

Applicant telephoned examiner to inquire about a suggestion made in the final Office action before announcing that this after-final amendment was being submitted, or had been submitted. During this interview on 10/27/2010 (interview summary sent separately) Examiner described the suggestion of clarifying the term "holder" in independent form. Applicant may also wish to consider modifying the claims to reflect the arguments asserted in this after-final amendment. However, doing so may or may not overcome the cited art of record. Reconsideration and/or further search may be required based on Applicant's next response.